

Attorneys for United States of America

SEP 21 2006

MARY L.M. MORAN
CLERK OF COURT

UNITED STATES OF AMERICA,
Plaintiff,

VS.

PAUL A.I. MENDIOLA,
Defendant.

1) CRIMINAL CASE NO. 05-00011

**GOVERNMENT'S MOTION
FOR A DOWNWARD DEPARTURE
UNDER USSG § 5K1.1 AND
18 U.S.C. § 3553(e)**

The United States moves for a substantial assistance downward departure to Level 26 based upon the substantial assistance the defendant has provided to the Drug Enforcement Administration and the U.S. Postal Service.

Upon his arrest on February 1, 2005, the defendant agreed to make a recorded telephone call to his source of drugs - his brother in Las Vegas, Nevada, which recorded incriminating conversations concerning the offense. The defendant's brother, Albert Mendiola, was indicted as well in the instant case and subsequently arrested in Las Vegas on February 17, 2005. Albert Mendiola also pleaded guilty and did not contest the administrative seizure of \$25,950 in U.S. currency that was seized as drug proceeds in connection with his arrest.

ORIGINAL

1 For all these reasons, a downward departure to Level 26 which yields an advisory range of
2 63 to 78 months under Criminal History Category I is appropriate and the government will
3 recommend a sentence of 63 months under said range.

4 RESPECTFULLY SUBMITTED this 21st day of September 2006.

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7 LEONARDO M. RAPADAS
8 United States Attorney
9 Districts of Guam and CNMI

10 By: _____

11 MARIVIC P. DAVID
12 Assistant U.S. Attorney
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